

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
)
 MERRILL T. SYPHUS, M.D.)
 Certificate No. A-19993)
)
 Respondent.)


No. D-4650

DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on July 1, 1993.

IT IS OR ORDERED June 24, 1993.

By: 
THERESA L. CLAASSEN
Secretary
Division of Medical Quality

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 MARK T. ROOCHK,
Deputy Attorney General
3 300 South Spring Street
Los Angeles, California 90013
4 Telephone: (213) 897-2568

5 Attorneys for Complainant
6.

7 BEFORE THE
8 MEDICAL BOARD OF CALIFORNIA
9 DIVISION OF MEDICAL QUALITY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10

11

In the Matter of the Accusation)	No. D-4650
12 Against:)	
)	STIPULATION
13 MERRILL T. SYPHUS, M.D.)	
1060 East Green Street)	
14 Pasadena, California 91106)	
)	
15 Physician's and Surgeon's)	
Certificate No. A19993,)	
16)	
Respondent.)	
17)	

18

19

20

21

22

23

24

25

26

27

IT IS HEREBY STIPULATED by and between the parties to
the above captioned matter that the following is true:

1. Merrill T. Syphus, M.D. (hereinafter "respondent")
was issued physician's and surgeon's certificate number A19993 by
the predecessor in interest to the Medical Board of California
(hereinafter "Board") on or about October 18, 1961. The license
has been in full force and effect at all times relevant herein.
2. On or about November 22, 1991, complainant Kenneth
J. Wagstaff, acting solely in his official capacity as Executive
Director of the Board, caused to be filed accusation number

1 D-4650 (hereinafter "accusation"), setting forth causes for
2 disciplinary action against respondent's physician's and
3 surgeon's certificate. The accusation, together with all
4 required supporting documentation, was duly and properly served
5 upon respondent by certified mail and was received. Respondent
6 thereafter filed a timely notice of defense contesting the
7 charges and allegations in the accusation.

8 3. Complainant is represented in this matter by Daniel
9 E. Lungren, Attorney General of the State of California, by and
10 through Mark T. Roohk, Deputy Attorney General.

11 4. Respondent is represented in this matter by John F.
12 Watkins, Esq., Watkins & Coberly, 1317 West Foothill Boulevard,
13 Suite 212, Upland, California 91786.

14 5. Complainant and respondent are desirous of
15 resolving this matter without a hearing or further administrative
16 proceeding.

17 6. Respondent herein has been specifically advised
18 both by the documents served upon him and personally by his
19 counsel of his rights to an administrative hearing on the charges
20 and allegations set forth in the accusation; his right to
21 confront and cross-examine witnesses called to testify against
22 him; his right to the use of process to secure oral and
23 documentary evidence both in defense and mitigation; his right to
24 petition the Board for reconsideration of any decision rendered
25 adverse to him; and his rights of appeal to the courts of the
26 State of California.

27

/

1 7. Respondent knowingly, intelligently, and with the
2 advice and concurrence of his counsel waives and agrees to give
3 up each of the above enumerated rights, and further agrees that
4 the pending charges and allegations set forth against him in the
5 accusation may be resolved pursuant to this stipulation.

6 8. Respondent has not been forced, coerced,
7 threatened, or induced in any way into entering into this
8 stipulation.

9 9. For the purposes of settlement of this accusation,
10 respondent admits to the allegations of paragraphs 16, 17, 20,
11 and 34 of accusation number D-4650. Paragraphs 16, 17, and 20
12 pertain to respondent's care and treatment of a pain patient, and
13 allege violations of Business and Professions Code sections 725
14 (excessive prescribing of controlled substances) and 2234(b)
15 (gross negligence). Paragraph 34 alleges violations of Business
16 and Professions Code section 2238(a) in conjunction with Health
17 and Safety Code section 11157 (false or fictitious prescription);
18 more particularly, respondent wrote prescriptions in the name of
19 a certain individual when in fact that individual was not a
20 patient but respondent's office manager and the drugs were for
21 use in respondent's office.

22 10. For the purposes of settlement of this accusation,
23 complainant agrees to dismiss the remaining allegations of the
24 accusation.

25
26 WHEREFORE, based upon the following, it is agreed that
27 the Division may issue the following:

ORDER

Physician's and surgeon's certificate number A19993, previously issued to Merrill T. Syphus, M.D., is revoked; however, revocation is stayed, and respondent is placed on probation for a period of five (5) years under the following terms and conditions:

A. ACTUAL SUSPENSION. As part of probation, respondent is suspended from the practice of medicine for sixty (60) days, beginning the effective date of this decision.

B. PROHIBITED PRACTICE. For the duration of the probation period, respondent is prohibited from treating in any way any patients whose complaints include intractable pain and/or narcolepsy.

C. ORAL CLINICAL EXAMINATION. Within 60 days of the effective date of this decision, respondent shall take and pass an oral examination in surgical pharmacology. If respondent fails this examination, respondent must take and pass a re-examination consisting of a written as well as an oral examination. The waiting period between repeat examinations shall be at 60-day intervals until success is achieved. The Division shall pay the cost of the first examination and respondent shall pay the cost of any subsequent re-examinations. Respondent shall not practice medicine until he has passed the required examination and has been so notified by the Division in writing. Failure to pass the required examination no later than 100 days prior to the termination date of probation shall constitute a violation of probation.

1 D. CONTROLLED DRUGS - PARTIAL RESTRICTION. For the
2 first three (3) years of probation, respondent shall not
3 prescribe, administer, dispense, order, or possess any controlled
4 substances listed in Schedule II of the California Uniform
5 Controlled Substances Act, except that respondent is permitted to
6 prescribe, administer, dispense or order controlled substances,
7 including those listed in Schedule II of the Act, for patients in
8 a hospital setting.

9 E. CONTROLLED DRUGS - MAINTAIN RECORD. For the first
10 three (3) years of probation, respondent shall maintain a record
11 of all controlled substances prescribed, dispensed or
12 administered by respondent, showing all the following: 1) the
13 name and address of the patient, 2) the date, 3) the character
14 and quantity of controlled substances involved, and 4) the
15 indications and diagnosis for which the controlled substance was
16 furnished. Respondent shall keep these records in a separate
17 file or ledger, in chronological order, and shall make them
18 available for inspection and copying by the Division or its
19 designee upon request.

20 F. MONITORING. Within 30 days of the effective date
21 of this decision, respondent shall submit to the Division for its
22 prior approval a plan of practice in which respondent's practice
23 shall be monitored by another physician in respondent's field of
24 practice, who shall provide periodic reports to the Division. If
25 the monitor resigns or is no longer available, respondent shall,
26 within 15 days, move to have a new monitor appointed, through
27 nomination by respondent and approval by the Division.

1 Respondent's practice shall be monitored in this fashion for the
2 first three (3) years of probation.

3 G. EDUCATION COURSE. Within 90 days of the effective
4 date of this decision, and on an annual basis thereafter,
5 respondent shall submit to the Division for its prior approval an
6 educational program or course to be designated by the Division,
7 which shall not be less than 40 hours per year, for each year of
8 probation. This program shall be in addition to the Continuing
9 Medical Education requirements for re-licensure. Following the
10 completion of each course, the Division or its designee may
11 administer an exam to test respondent's knowledge of the course.

12 H. ETHICS COURSE. Within 60 days of the effective
13 date of this decision, respondent shall submit to the Division
14 for its prior approval a course in Ethics, which respondent shall
15 successfully complete the first year of probation.

16 I. OBEY ALL LAWS. Respondent shall obey all federal,
17 state and local laws, and all rules governing the practice of
18 medicine in California.

19 J. QUARTERLY REPORTS. Respondent shall submit
20 quarterly declarations under penalty of perjury on forms provided
21 by the Division, stating whether there has been compliance with
22 all the conditions of probation.

23 K. SURVEILLANCE PROGRAM. Respondent shall comply with
24 the Division's probation surveillance program.

25 L. INTERVIEW WITH MEDICAL CONSULTANT. Respondent
26 shall appear in person for interviews with the Division's medical
27 consultant upon request and with reasonable notice.

1 M. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE.

2 The period of probation shall not run during the time respondent
3 is residing or practicing outside of California. If, during
4 probation, respondent moves out of California to reside or
5 practice elsewhere, respondent is required to immediately notify
6 the Division in writing of the date of departure, and the date of
7 return, if any.

8 N. VIOLATION OF PROBATION. If respondent violates
9 probation in any respect, the Division, after giving respondent
10 notice and the opportunity to be heard, may revoke probation and
11 carry out the disciplinary order that was stayed. If an
12 accusation or petition to revoke probation is filed against
13 respondent during probation, the Division shall have continuing
14 jurisdiction, and the period of probation shall be extended,
15 until the matter is final.

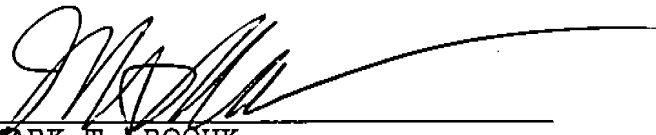
16 O. COMPLETION OF PROBATION. Upon successful
17 completion of probation, respondent's certificate will be fully
18 restored.

19
20
21
22
23
24
25
26
27

1 11. It is expressly stipulated and agreed that the
2 stipulations, admissions, waivers and agreements set forth herein
3 are limited only to the settlement of this matter, and in the
4 event the Division fails to adopt this stipulation, they shall be
5 null and void and inadmissible.

6
7 DATED: 5 May 1993

8 DANIEL E. LUNGREN, Attorney General of
the State of California
9 MARK T. ROOHEK, Deputy Attorney General

10 
11 _____
12 MARK T. ROOHEK
Deputy Attorney General

13 Attorneys for Complainant

14 AGREEMENT

15 I, Merrill T. Syphus, M.D., have the read the foregoing
16 stipulation and order, and I have discussed its terms and its
17 effect upon my license with my attorney. I understand and
18 acknowledge that in signing this stipulation, I am waiving and
19 giving up my right to an administrative hearing on the charges
20 and allegations of the accusation which is currently pending, and
21 agree to resolve the matter by stipulation and be bound by the
22 terms and conditions of the accompanying order.

23 I understand that, pursuant to the order, my license
24 will be revoked, that the revocation will be stayed, and that my
25 license will be placed on probation for a period of five (5)
26 years under the enumerated terms and conditions, including a
27 sixty (60) day suspension at the outset of probation, an oral

1 clinical examination which I must take and pass before I may
2 practice medicine again, and various restrictions on my
3 prescribing privileges for the first three (3) years of
4 probation. I further understand that if I violate these or any
5 other terms and conditions of my probation, my license will be
6 subject to further discipline.

7

8 DATED: 3 May 1993 Merrill T. Sypheus MD
9 MERRILL T. SYPHUS, M.D.
Respondent

10 I have read the foregoing stipulation and order and
11 have discussed it with my client. I am satisfied that he
12 understands the terms and conditions and agrees to be bound by
13 them.

14 DATED: 4 May 1993 John F. Watkins Esq.
15 JOHN F. WATKINS, Esq.
16 Watkins & Coberly
Attorneys for Respondent

17

18

19

20

21

22

23

24

25

26

27

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 NANCY ANN STONER,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, 10th Floor-North.
4 Los Angeles, California 90013-1204
Telephone: (213) 897-2562
5
Attorneys for Complainant

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

11	In the Matter of the Accusation)	NO. D-4650
12	Against:)	
13	MERRILL T. SYPHUS M.D.)	
14	1060 East Green Street)	A C C U S A T I O N
15	Pasadena, California 91106)	
16	Physician and Surgeon Certificate)	
17	No. A 19993,)	
18)	
19	Respondent.)	

The Complainant alleges:

PARTIES

1. Complainant, Kenneth J. Wagstaff, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about October 18, 1961, Physician and Surgeon Certificate No. A 19993 was issued by the Board to Merrill T. Syphus M.D. (hereinafter "respondent"), and at all times relevant herein to the charges herein brought, said license has been in

1 full force and effect.

2 JURISDICTION

3 3. This accusation is brought under the authority of
4 the following sections of the California Business and Professions
5 Code (hereinafter the "Code"):

6 4. Sections 2003 and 2004 of the Code provide, in
7 pertinent part, that the Division of Medical Quality (hereinafter
8 the "Division") within the Medical Board of California is
9 responsible for the enforcement of the disciplinary provisions of
10 the Medical Practices Act, for the administration and hearing of
11 disciplinary actions, for carrying out disciplinary actions
12 appropriate to findings made by a medical quality review
13 committee, revoking or otherwise limiting certificates after the
14 conclusion of disciplinary actions.

15 5. Section 2227 of the Code provides that the Board
16 may revoke, suspend for a period not to exceed one year, or place
17 on probation, the license of any licensee who has been found
18 guilty under the Medical Practice Act.

19 6. Section 2234 of the Code provides that the
20 Division shall take action against any licensee who is charged
21 with unprofessional conduct, which includes, but is not limited
22 to, the following:

23 (a) Violating or attempting to violate, directly or
24 indirectly, or assisting in or abetting the violation of, or
25 conspiring to violate, any provision of this chapter.

26 (b) Gross negligence.

27 (c) Repeated negligent acts.

1 (d) Incompetence.

2 (e) The commission of any act involving dishonesty or
3 corruption which is substantially related to the
4 qualifications, functions, or duties of a physician and
5 surgeon.

6 (f) Any action or conduct which would have warranted
7 the denial of a certificate.

8 7. Section 725 of the Code provides, in pertinent
9 part, that repeated acts of clearly excessive prescribing or
10 administering of drugs or treatment, as determined by the
11 standard of the community of licensees is unprofessional conduct
12 for a physician and surgeon.

13 8. Section 2242, subdivision (a) of the Code
14 provides, in pertinent part, that prescribing, dispensing, or
15 furnishing dangerous drugs as defined in Section 4211 without a
16 good faith prior examination and medical indication therefor,
17 constitutes unprofessional conduct.

18 9. Section 4211 of the Code provides, in pertinent
19 part, that a "dangerous drug" is any drug which is unsafe for
20 self-medication and includes any drug or device which by federal
21 or state law can be lawfully dispensed only on prescription or
22 furnished by a laboratory pursuant to Section 4240 of the
23 Business and Professions Code.

24 10. Section 2238 of the Code provides, in pertinent
25 part, that a violation of any federal statute or federal
26 regulation or any of the statutes or regulations of this state
27 regulating dangerous drugs or controlled substances constitutes

1 unprofessional conduct.

2 11. Health and Safety Code Section 11153, subdivision
3 (a), provides, in pertinent part, that a prescription for a
4 controlled substance shall only be issued for a legitimate
5 medical purpose by an individual practitioner acting in the usual
6 course of his or her professional practice. The responsibility
7 for the proper prescribing and dispensing of controlled
8 substances is upon the prescribing practitioner.

9 12. Health and Safety Code Section 11157 provides that
10 no person shall issue a prescription that is false or fictitious
11 in any respect.

12 13. Health and Safety Code Section 11173 provides, in
13 pertinent part, that no person shall obtain or attempt to obtain
14 controlled substances, or procure or attempt to procure the
15 administration of or prescription for controlled substances, (1)
16 by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
17 concealment of a material fact.

18 Subdivision (b) of that Section further provides that
19 no person shall make a false statement in any prescription,
20 order, report, or record, required by this division.

21 14. Health and Safety Code Section 11174 provides, in
22 pertinent part, that no person shall, in connection with the
23 prescribing, furnishing, administering, or dispensing of a
24 controlled substance, give a false name or false address.

25 15. Section 2261 of the Code states, in pertinent
26 part, that knowingly making or signing any certificate or other
27 document directly or indirectly related to the practice of

1 medicine or podiatry which falsely represents the existence or
2 nonexistence of a state of facts, constitutes unprofessional
3 conduct.

4
5
6 CAUSES OF DISCIPLINARY ACTION

7 A. PATIENT CLIFFORD B.

8 16. Clifford B.^{1/} was a patient and friend of
9 respondent's who was treated for multiple gastrointestinal and
10 musculoskeletal problems between 1978 to 1988. During that time
11 respondent prescribed multiple controlled substances to the
12 patient who did become addicted. Specifically, during 1987, and
13 at times while the patient resided in Utah, respondent continued
14 to prescribe, and often mailed to patient B., the following
15 Schedule II controlled substances:

- 16 (1) 02-03-87, Percocet, 62 units
17 (2) 02-06-87, Percocet, 300 units
18 (3) 02-24-87, Percocet, 60 units
19 (4) 02-26-87, Percocet, 100 units
20 (5) 03-02-87, Percocet, 50 units
21 (6) 03-03-87, Percocet, 300 units
22 (7) 03-11-87, Percocet, 100 units
23 (8) 03-13-87, Percocet, 300 units
24 (9) 03-18-87, Percocet, 200 units
25

26
27 1. For privacy reasons only the initials of the patients'
last names will be used in this pleading. The full names will be
disclosed to respondent in discovery upon request.

1 (10) 03-23-87, Percocet, 500 units
2 (11) 03-30-87, Percocet, 150 units
3 (12) 04-03-87, Percocet, 600 units
4 (13) 04-13-87, Percocet, 100 units
5 (14) 04-24-87, Percocet, 420 units
6 (15) 05-08-87, Percocet, 350 units
7 (16) 05-28-87, Percocet, 300 units
8 (17) 06-12-87, Percocet, 300 units
9 (18) 06-23-87, Percocet, 300 units
10 (19) 07-02-87, Percocet, 50 units
11 (20) 07-03-87, Demerol, 50 mg, 2 units
12 (21) 07-10-87, Percocet, 300 units
13 (22) 07-23-87, Percocet, 300 units
14 (23) 08-03-87, Percocet, 300 units
15 (24) 08-18-87, Percocet, 300 units
16 (25) 09-02-87, Percocet, 300 units
17 (26) 10-07-87, Percocet, 300 units
18 (27) 10-16-87, Percocet, 300 units
19 (28) 10-29-87, Percocet, 300 units
20 (29) 11-06-87, Percocet, 300 units
21 (30) 11-18-87, Percocet, 300 units
22 (31) 12-03-87, Percocet, 60 units
23 (32) 12-07-87, Percocet, 60 units
24 (33) 12-11-87, Percocet, 30 units

25 17. Respondent Syphus M.D. is subject to disciplinary
26 action under Section 725 of the Code in that he committed
27 repeated acts of clearly excessive prescribing to patient

1 Clifford B. of the controlled substances set forth above in
2 paragraph 16.

3 18. Respondent Syphus, M.D., is subject to
4 disciplinary action under Section 2242, subdivision (a) of the
5 Code in that he prescribed the dangerous drugs/controlled
6 substances set forth in paragraph 16 to patient Clifford B.
7 without having conducted or documented good faith examinations
8 and/or the medical indications therefor.

9 19. Respondent Syphus, M.D., is subject to
10 disciplinary action under Section 2238 of the Code in that he
11 violated Health and Safety Code Section 11153 by prescribing the
12 controlled substances to patient Clifford B. as set forth in
13 paragraph 16, without having a legitimate medical purpose
14 therefor and/or thereby maintained the patient's customary use of
15 the listed controlled substances while the patient was addicted
16 or a habitual user of the drugs.

17 20. Respondent Syphus, M.D., is subject to
18 disciplinary action under Section 2234, subdivision (b) of the
19 Code in that he committed gross negligence while treating patient
20 Clifford B. The circumstances are as follows:

21 A. The facts alleged in paragraph 16 above are
22 incorporated here by reference.

23 B. The controlled substances set forth in paragraph 16
24 were prescribed without respondent having conducted or
25 documented good faith examinations and/or medical
26 indications therefor.

27 C. The controlled substances set forth in paragraph 16

1 were prescribed in amounts and intervals that exceed a
2 legitimate medical purpose and which would cause or
3 perpetrate the patient's addiction.

4 21. Respondent Syphus, M.D., is subject to
5 disciplinary action under Section 2234, subdivision (c) of the
6 Code in that he committed repeated acts of negligence while
7 treating patient Clifford B. The circumstances are as follows:

8 A. The facts alleged in paragraphs 16 and 20 above are
9 incorporated here by reference.

10 22. Respondent Syphus, M.D., is subject to
11 disciplinary action under Section 2234, subdivision (d) of the
12 Code in that he committed acts of incompetence while treating
13 patient Clifford B. The circumstances are as follows:

14 A. The facts alleged in paragraphs 16 and 20 above are
15 incorporated here by reference.

16
17 B. PATIENT KAYE B.

18 23. Kaye B. was a patient of respondent's who was
19 treated for obesity complicated by a variety of metabolic
20 gastrointestinal, surgical and psychiatric problems, as well as
21 for narcolepsy between 1976 to at least 1989. Specifically,
22 during 1987 through March of 1989 respondent prescribed the
23 following Schedule II controlled substances, in addition to other
24 drugs:

- 25 (1) 01-08-87, Dexedrine, 100 units
26 (2) 03-27-87, Dexedrine, 100 units
27 (3) 05-19-87, Dexedrine, 100 units

1 (4) 06-30-87, Dexedrine, 100 units
2 (5) 08-04-87, Dexedrine, 100 units
3 (6) 08-28-87, Dexedrine, 100 units
4 (7) 09-21-87, Dexedrine, 100 units
5 (8) 10-23-87, Dexedrine, 100 units
6 (9) 11-19-87, Dexedrine, 100 units
7 (10) 12-21-87, Dexedrine, 100 units
8 (11) 01-11-88, Dexedrine, 100 units
9 (12) 02-12-88, Dexedrine, 100 units
10 (13) 10-04-88, Dexedrine, 100 units
11 (14) 11-01-88, Dexedrine, 100 units
12 (15) 12-06-88, Dexedrine, 100 units
13 (16) 01-10-89, Dexedrine, 100 units
14 (17) 02-07-89, Dexedrine, 100 units
15 (18) 03-07-89, Dexedrine, 100 units
16 (19) 03-16-89, Dexedrine, 100 units

17 24. Respondent Syphus, M.D. is subject to disciplinary
18 action under Section 725 of the Code in that he committed
19 repeated acts of clearly excessive prescribing to patient Kaye B.
20 of the controlled substances set forth in paragraph 23, above.

21 25. Respondent Syphus, M.D. is subject to disciplinary
22 action under Section 2242, subdivision (a) of the Code in that he
23 prescribed to patient Kaye B. the dangerous drugs/controlled
24 substances as set forth in paragraph 23, above, without having
25 conducted or documented good faith medical examinations and/or
26 the medical indications therefor.

27 26. Respondent Syphus, M.D., is subject to

1 disciplinary action under Section 2238 of the Code in that he
2 violated Health and Safety Code Section 11153 by prescribing the
3 controlled substances to patient Kaye B. as set forth in
4 paragraph 23, without having a legitimate medical purpose
5 therefor.

6 27. Respondent Syphus, M.D. is subject to disciplinary
7 action under Section 2234, subdivision (b) of the Code in that he
8 committed gross negligence while treating patient Kaye B. the
9 circumstances are as follows:

10 A. The facts alleged in paragraph 23 above are
11 incorporated here by reference.

12 B. The controlled substances set forth in paragraph 23
13 were prescribed without respondent having conducted or
14 documented good faith examinations and/or medical
15 indications therefor.

16 C. There was little, if any, chart documentation of the
17 patient's history and condition at the times these
18 controlled substances were prescribed and often the
19 prescriptions were not noted in the patient's file.

20 D. The diagnostic reasons for prescribing these
21 amphetamine drugs are unclear, the records fail to note the
22 indications and contraindications for these controlled
23 substances, and there is inadequate documentation and
24 information substantiating the diagnosis of "narcolepsy"
25 which lead to the incorrect prescribing of these drugs.

26 28. Respondent Syphus, M.D. is subject to disciplinary
27 action under Section 2234, subdivision (c) of the Code in that he

1 committed repeated acts of negligence while treating patient Kaye
2 B. The circumstances are as follows:

3 A. The facts alleged in paragraphs 23 and 27 above are
4 incorporated here by reference.

5 29. Respondent Syphus, M.D. is subject to disciplinary
6 action under Section 2234, subdivision (d) of the Code in that he
7 committed acts of incompetence while treating patient Kaye B.
8 The circumstances are as follows:

9 A. The facts alleged in paragraphs 23 and 27 above are
10 incorporated here by reference.

11
12 C. PATIENT SUZETTE M.

13 30. Suzette M. was an office medical assistant and
14 patient of respondent's between approximately 1982 and 1989.
15 During that time respondent obtained some laboratory tests and
16 performed a gynecological exam in 1989. The following Schedule
17 II controlled substances were prescribed in the name of patient
18 Suzette M.:

- 19 (1) 12-17-82, Dilaudid, 2 mg, 20 cc vial
20 (2) 01-27-83, Morphine, 15 mg, 20 cc vial
21 (3) 02-23-83, Morphine, 15 mg, 20 cc vial
22 (4) 12-16-83, Percocet, 5 mg, 50 units
23 (5) 02-20-84, Dilaudid, 2 mg, 20 cc vial
24 (6) 11-09-84, Percocet, 50 units
25 (7) 02-20-85, Percocet, 50 units
26 (8) 04-22-85, Dilaudid, 2 mg, 20 cc vial
27 (9) 04-24-85, Dilaudid, 2 mg, 20 cc vial

- 1 (10) 09-12-85, Percocet, 100 units
- 2 (11) 08-15-86, Percocet, 100 units
- 3 (12) 02-13-87, Preludin, 100 units
- 4 (13) 03-16-87, Percocet, 50 units
- 5 (14) 08-13-87, Percocet, 100 units
- 6 (15) 07-25-88, Percocet, 50 units
- 7 (16) 01-26-89, Percocet, 100 units

8 31. Respondent Syphus, M.D. is subject to disciplinary
9 action under Section 725 of the Code in that he committed
10 repeated acts of clearly excessive prescribing to patient Suzette
11 M. of the controlled substances set forth in paragraph 30, above.

12 32. Respondent Syphus, M.D. is subject to disciplinary
13 action under Section 2242, subdivision (a) of the Code in that he
14 prescribed the dangerous drugs/controlled substances set forth in
15 paragraph 30 above to patient Suzette M. without having conducted
16 or documented good faith examinations and/or medical indications
17 therefor.

18 33. Respondent Syphus, M.D. is subject to disciplinary
19 action under Section 2238, subdivision (a) of the Code in that he
20 violated Health and Safety Code Section 11153 by prescribing the
21 controlled substances set forth in paragraph 30 above to patient
22 Suzette M. without having a legitimate medical purpose therefor.

23 34. Respondent Syphus, M.D. is subject to disciplinary
24 action under Section 2238, subdivision (a) of the Code in that he
25 violated Health and Safety Code Section 11157 by falsely issuing
26 prescriptions for the controlled substances set forth in
27 paragraph 30 above in the name of patient Suzette M. when the

1 drugs were intended for use in the respondent's office and not
2 for the patient.

3 35. Respondent Syphus, M.D. is subject to disciplinary
4 action under Section 2238, subdivision (a) of the Code in that he
5 violated Health and Safety Code Section 11173, subdivision (b),
6 by making false statements on the prescriptions for the
7 controlled substances set forth in paragraph 30 above by issuing
8 the prescriptions in the name of patient Suzette M. when the
9 drugs were intended for use in the respondent's office and not
10 for the patient.

11 36. Respondent Syphus, M.D. is subject to disciplinary
12 action under Section 2238, subdivision (a) of the Code in that he
13 violated Health and Safety Code Section 11174 by prescribing the
14 controlled substances set forth in paragraph 30 above by using
15 the false name and address of patient Suzette M. when the drugs
16 were intended for use in the respondent's office and not for the
17 patient.

18 37. Respondent Syphus M.D. is subject to disciplinary
19 action under Section 2234, subdivision (b) of the Code in that he
20 committed gross negligence while treating patient Suzette M. The
21 circumstances are as follows:

22 A. The facts alleged in paragraph 30 above are
23 incorporated here by reference.

24 B. The controlled substances set forth in paragraph 30
25 were prescribed without respondent having conducted or
26 documented good faith medical examinations and/or medical
27 indications therefor.

1 C. The controlled substances set forth in paragraph 30 are
2 all highly addictive drugs that are subject to abuse and are
3 in high demand in the illicit market.

4 D. The prescriptions for controlled substances set forth
5 in paragraph 30 were falsely issued by respondent using the
6 name and address of patient Suzette M. when the drugs were
7 intended for use in respondent's office and not for the
8 named patient.

9 38. Respondent Syphus, M.D. is subject to disciplinary
10 action under Section 2234, subdivision (c) of the Code in that he
11 committed repeated acts of negligence while treating patient
12 Suzette M. The circumstances are as follows:

13 A. The facts alleged in paragraphs 30 and 37 above are
14 incorporated here by reference.

15 39. Respondent Syphus, M.D. is subject to disciplinary
16 action under Section 2234, subdivision (d) of the Code in that he
17 committed acts of incompetence while treating patient Suzette M.
18 The circumstances are as follows:

19 A. The facts alleged in paragraphs 30 and 37 above are
20 incorporated here by reference.

21
22 D. PATIENT ERIC M.

23 40. Eric M. was a patient of respondent's who was
24 treated chronically for a headache problem between approximately
25 1984 to 1989. Specifically, during 1987 through August, 1989,
26 respondent prescribed the following controlled substances:
27

- 1 (1) 03-03-87, Percodan 50 units^{2/}
- 2 (2) 01-15-87, Percodan 50 units
- 3 (3) 02-09-87, Percodan 50 units
- 4 (4) 04-07-87, Percodan 50 units
- 5 (5) 04-16-87, Tylenol w/codeine #4, 50
- 6 units + 1 refill^{3/}
- 7 (6) 05-08-87, Percodan 50 units
- 8 (7) 05-15-87, Tylenol w/ cod. #4, 40 units
- 9 (8) 06-08-87, Tylenol w/ cod. #4, 25 units
- 10 (9) 06-19-87, Halcion, .5 mg, 25 units^{4/}
- 11 (10) 07-10-87, Halcion, .5 mg, 25 units
- 12 (11) 07-14-87, Percodan 25 units
- 13 (12) 07-17-87, Percodan 15 units
- 14 (13) 09-18-87, Percodan 50 units
- 15 (14) 10-12-87, Percodan 50 units
- 16 (15) 10-30-87, Percodan 50 units
- 17 (16) 11-06-87, Tylenol w/ cod. #4, 50 units
- 18 (17) 11-13-87, Halcion, .5 mg, 30 units
- 19 (18) 11-13-87, Percodan 25 units
- 20 (19) 12-03-87, Percodan 50 units
- 21 (20) 12-11-87, Halcion, .5 mg, 30 units

22
23
24 2. Percodan is a Schedule II controlled substance,
25 pursuant to Health and Safety Code Section 11055.

26 3. Tylenol with codeine #4 is a Schedule III controlled
substance, pursuant to Health and Safety Code Section 11056.

27 4. Halcion is a Schedule IV controlled substance,
pursuant to Health and Safety Code Section 11057.

- 1 (21) 12-18-87, Darvocet N-100, 50 units^{5/}
2 (22) 01-19-88, Percodan 50 units
3 (23) 02-08-88, Darvocet N-100, 50 units
4 (24) 02-29-88, Percodan 50 units
5 (25) 03-04-88, Halcion, .5 mg, 30 units
6 Tylenol w/ cod. #4, 50 units
7 (26) 03-24-88, Percodan 50 units
8 (27) 03-31-88, Darvocet N-100, 25 units
9 Halcion, .5 mg, 30 units
10 (28) 04-11-88, Darvocet N-100, 25 units
11 (29) 04-18-88, Percodan 50 units
12 (30) 04-25-88, Darvocet N-100, 50 units
13 Halcion .5 mg, 30 units
14 (31) 05-13-88, Darvocet N-100, 25 units
15 (32) 05-17-88, Percodan 50 units
16 (33) 06-10-88, Percodan 50 units
17 (34) 07-05-88, Percodan 50 units
18 (35) 07-14-88, Halcion .5 mg, 5 units
19 (36) 08-09-88, Percodan 50 units
20 (37) 09-15-88, Percodan 50 units
21 (38) 10-11-88, Percodan 50 units
22 (39) 11-04-88, Percodan 50 units
23 (40) 12-05-88, Percodan 50 units
24 (41) 12-05-88, Percodan 50 units
25 (42) 12-05-88, Percodan 50 units
26

27 5. Darvocet N-100 is a Schedule IV controlled substance,
pursuant to Health and Safety Code Section 11057.

1 (43) 12-29-88, Percodan 50 units
2 (44) 01-24-89, Percodan 50 units
3 (45) 01-27-89, Darvocet N-100, 50 units
4 Halcion .25 mg
5 (46) 02-14-89, Percodan 50 units
6 (47) 03-17-89, Percodan 50 units
7 (48) 04-07-89, Percodan 50 units
8 (49) 05-04-89, Percodan 50 units
9 (50) 05-17-89, Percodan 50 units
10 (51) 06-20-89, Percodan 50 units
11 (52) 07-12-89, Percodan 50 units
12 (53) 08-10-89, Percodan 50 units

13 41. Respondent Syphus, M.D. is subject to disciplinary
14 action under Section 725 of the Code in that he committed
15 repeated acts of clearly excessive prescribing to patient Eric M.
16 of the controlled substances set forth in paragraph 40, above.

17 42. Respondent Syphus, M.D. is subject to disciplinary
18 action under Section 2242, subdivision (a) of the Code in that he
19 prescribed to patient Eric M. the dangerous drugs/controlled
20 substances as set forth in paragraph 40, above, without having
21 conducted or documented good faith medical examinations and/or
22 the medical indications therefor.

23 43. Respondent Syphus, M.D., is subject to
24 disciplinary action under Section 2238 of the Code in that he
25 violated Health and Safety Code Section 11153 by prescribing the
26 controlled substances to patient Eric M. as set forth in
27 paragraph 40, without having a legitimate medical purpose

1 therefor.

2 44. Respondent Syphus, M.D. is subject to disciplinary
3 action under Section 2234, subdivision (b) of the Code in that he
4 committed gross negligence while treating patient Eric M. The
5 circumstances are as follows:

6 A. The facts alleged in paragraph 40 above are
7 incorporated here by reference.

8 B. The controlled substances set forth in paragraph 40
9 were prescribed without respondent having conducted or
10 documented good faith examinations and/or medical
11 indications therefor.

12 C. There was little, if any, chart documentation of the
13 patient's history and condition at the times these
14 controlled substances were prescribed and often the
15 prescriptions were not noted in the patient's file.

16 D. The diagnostic reasons for prescribing these dangerous
17 drugs/controlled substances are unclear, the records fail to
18 note the indications and contraindications for these
19 controlled substances, often there was no reason or
20 diagnosis given for prescribing the drugs, there was
21 inadequate or no documentation, lab results, tests or other
22 information substantiating the diagnosis that were stated in
23 the record for some of the prescriptions.

24 E. The controlled substances set forth in paragraph 406
25 were prescribed in amounts, strengths and intervals that
26 exceed a legitimate medical purpose and which could cause or
27 perpetuate the patient's addiction to those drugs.

1	(9)	11-20-87,	Dexedrine	100 units
2	(10)	12-22-87,	Dexedrine	100 units
3	(11)	01-21-88,	Dexedrine	100 units
4	(12)	02-16-88,	Dexedrine	100 units
5	(13)	03-11-88,	Dexedrine	100 units
6	(14)	04-05-88,	Dexedrine	100 units
7	(15)	05-02-88,	Dexedrine	100 units
8	(16)	05-23-88,	Dexedrine	100 units
9	(17)	06-15-88,	Dexedrine	100 units
10	(18)	07-07-88,	Dexedrine	100 units
11	(19)	07-26-88,	Dexedrine	100 units
12	(20)	08-17-88,	Dexedrine	100 units
13	(21)	09-18-88,	Dexedrine	100 units
14	(22)	09-29-88,	Dexedrine	100 units
15	(23)	10-19-88,	Dexedrine	100 units
16	(24)	12-02-88,	Dexedrine	100 units
17	(25)	12-23-88,	Dexedrine	100 units
18	(26)	01-13-89,	Dexedrine	100 units
19	(27)	02-09-89,	Dexedrine	100 units
20	(28)	03-06-89,	Dexedrine	100 units
21	(29)	03-29-89,	Dexedrine	100 units
22	(30)	04-20-89,	Dexedrine	100 units
23	(31)	05-10-89,	Dexedrine	100 units
24	(32)	05-30-89,	Dexedrine	100 units
25	(33)	06-20-89,	Dexedrine	100 units
26	(34)	07-12-89,	Dexedrine	100 units
27	(35)	08-01-89,	Dexedrine	100 units

1 (36) 08-22-89, Dexedrine 100 units

2 (37) 09-13-89, Dexedrine 100 units

3 48. Respondent Syphus, M.D. is subject to disciplinary
4 action under Section 725 of the Code in that he committed
5 repeated acts of clearly excessive prescribing to patient Shelly
6 S. of the controlled substances set forth in paragraph 47, above.

7 49. Respondent Syphus, M.D. is subject to disciplinary
8 action under Section 2242, subdivision (a) of the Code in that he
9 prescribed to patient Shelly S. the dangerous drugs/controlled
10 substances as set forth in paragraph 47, above, without having
11 conducted or documented good faith medical examinations and/or
12 the medical indications therefor.

13 50. Respondent Syphus, M.D. is subject to disciplinary
14 action under Section 2238 of the Code in that he violated Health
15 and Safety Code Section 11153 by prescribing the controlled
16 substances to patient Shelly S. as set forth in paragraph 47,
17 without having a legitimate medical purpose therefor.

18 51. Respondent Syphus, M.D. is subject to disciplinary
19 action under Section 2234, subdivision (b) of the Code in that he
20 committed gross negligence while treating patient Shelly S. The
21 circumstances are as follows:

22 A. The facts alleged in paragraph 47 above are
23 incorporated here by reference.

24 B. The controlled substances set forth in paragraph 47
25 were prescribed without respondent having conducted or
26 documented good faith examinations and/or medical
27 indications therefor.

1 C. There was little, if any, chart documentation of the
2 patient's history and condition at the times these
3 controlled substances were prescribed and often the
4 prescriptions were not noted in the patient's file.

5 D. The diagnostic reasons for prescribing these dangerous
6 drugs/controlled substances are unclear, the records fail to
7 note the indications and contraindications for these
8 controlled substances, often there was no reason or
9 diagnosis given for prescribing the drugs, there was
10 inadequate or no documentation, lab results, tests or other
11 information substantiating the diagnosis that were stated in
12 the record for some of the prescriptions.

13 E. The controlled substances set forth in paragraph 47
14 were prescribed in amounts, strengths and intervals that
15 exceed a legitimate medical purpose and which could cause or
16 perpetuate the patient's addiction to those drugs.

17 52. Respondent Syphus, M.D. is subject to disciplinary
18 action under Section 2234, subdivision (c) of the Code in that he
19 committed repeated acts of negligence while treating patient
20 Shelly S. The circumstances are as follows:

21 A. The facts alleged in paragraphs 47 and 51 above are
22 incorporated here by reference.

23 53. Respondent Syphus, M.D. is subject to disciplinary
24 action under Section 2234, subdivision (d) of the Code in that he
25 committed acts of incompetence while treating patient Shelly S.
26 The circumstances are as follows:

27 A. The facts alleged in paragraphs 47 and 51 above are

1 incorporated here by reference.

2
3
4 F. PATIENT KENNARD H.

5 54. Kennard H. was a patient of respondent's between
6 approximately 1975 through September, 1989. He was treated
7 primarily for back pain, gastrointestinal problems, malnutrition
8 and emesis and underwent several medical and psychiatric
9 hospitalizations during that time period. Specifically, between
10 1987 to 1989, respondent prescribed the following controlled
11 substances to patient Kennard H.:

- 12 (1) 01-05-87 Dilaudid, 3 mg. injection
13 Morphine 20 cc.
14 (2) 01-09-87 Morphine 20 cc.
15 (3) 01-13-87 Morphine 20 cc.
16 (4) 01-16-87 Morphine 20 cc.
17 (5) 01-21-87 Morphine 20 cc.
18 (6) 01-26-87 Morphine 20 cc.
19 (7) 02-24-87 Morphine 20 cc.
20 (8) 02-27-87 Morphine 20 cc.
21 (9) 03-04-87 Morphine 20 cc.
22 (10) 03-12-87 Morphine 20 cc.
23 (11) 03-16-87 Dilaudid 3 mg. injection
24 Morphine 20 cc.
25 (12) 03-25-87 Morphine 20 cc.
26 (13) 03-26-87 Morphine 20 cc.
27 (14) 04-02-87 Morphine 20 cc.

1	(15)	04-06-87	Morphine	20 cc.
2	(16)	04-10-87	Morphine	20 cc.
3	(17)	04-13-87	Morphine	20 cc.
4	(18)	04-16-87	Morphine	20 cc.
5	(19)	04-23-87	Morphine	20 cc.
6	(20)	04-29-87	Morphine	20 cc.
7	(21)	04-30-87	Morphine	20 cc.
8	(22)	05-02-87	Morphine	20 cc.
9	(23)	05-05-87	Morphine	20 cc.
10	(24)	05-08-87	Morphine	20 cc.
11	(25)	05-11-87	Morphine	20 cc.
12	(26)	05-15-87	Morphine	20 cc.
13	(27)	05-19-87	Morphine	20 cc.
14	(28)	05-22-87	Morphine	20 cc.
15	(29)	05-27-87	Morphine	20 cc.
16	(30)	05-28-87	Morphine	20 cc.
17	(31)	06-08-87	Morphine	20 cc.
18			Dilaudid	2 mg. injection
19			Vistaril	75 mg. IM
20	(32)	06-11-87	Morphine	20 cc.
21	(33)	06-16-87	Dilaudid	2 mg injection
22			Vistaril	75 mg. IM
23			Morphine	20 cc.
24	(34)	06-22-87	Morphine	20 cc.
25	(35)	06-28-87	Morphine	20 cc.
26	(36)	07-06-87	Morphine	20 cc.
27	(37)	07-13-87	Morphine	20 cc.

1	(38) 07-20-87	Morphine	20 cc.
2	(39) 07-28-87	Morphine	20 cc.
3	(40) 08-03-87	Morphine	20 cc.
4	(41) 08-10-87	Morphine	20 cc.
5	(42) 08-17-87	Morphine	20 cc.
6	(43) 08-24-87	Morphine	20 cc.
7	(44) 08-28-87	Morphine	20 cc.
8	(45) 09-03-87	Morphine	20 cc.
9	(46) 09-08-87	Morphine	20 cc.
10	(47) 09-15-87	Morphine	20 cc.
11	(48) 09-21-87	Morphine	20 cc.
12	(49) 10-05-87	Morphine	20 cc.
13	(50) 11-13-87	Morphine	20 cc.
14	(51) 11-20-87	Morphine	20 cc.
15	(52) 01-26-88	Morphine	20 cc.
16	(53) 02-14-88	Morphine	20 cc.
17	(54) 02-17-88	Tylenol #4,	100 units
18	(55) 02-23-88	Morphine	20 cc.
19	(56) 03-15-88	Morphine	20 cc.
20	(57) 03-29-88	Morphine	20 cc.
21	(58) 04-26-88	Morphine	20 cc.
22	(59) 05-06-88	Morphine	20 cc.
23		Dilaudid,	2 mg. injection
24	(60) 05-18-88	Morphine	20 cc.
25	(61) 06-08-88	Valium	10 mg,
26		Morphine	20 cc.
27	(62) 06-23-88	Morphine	20 cc.

1	(63) 07-05-88	Morphine	20 cc.
2		Dilaudid,	2 mg. injection
3	(64) 07-14-88	Morphine	20 cc.
4	(65) 07-18-88	Dilaudid,	2 mg. injections
5	(66) 07-23-88	Morphine	20 cc.
6	(67) 08-08-88	Morphine	20 cc.
7	(68) 08-15-88	Morphine	20 cc.
8	(69) 08-22-88	Morphine	20 cc.
9	(70) 08-29-88	Codeine	
10		Morphine	20 cc.
11	(71) 09-12-88	Morphine	20 cc.
12	(72) 09-21-88	Morphine	20 cc.
13	(73) 10-03-88	Morphine	20 cc.
14	(74) 10-17-88	Morphine	20 cc.
15	(75) 11-03-88	Morphine	20 cc.
16	(76) 11-16-88	Dilaudid	2 mg. injection
17		Morphine	20 cc.
18	(77) 11-29-88	Morphine	20 cc.
19	(78) 12-14-88	Morphine	20 cc.
20	(79) 12-27-88	Morphine	20 cc.
21	(80) 01-17-89	Morphine	20 cc.
22	(81) 02-03-89	Morphine	20 cc.
23	(82) 02-24-89	Morphine	20 cc.
24	(83) 05-03-89	Dilaudid,	2 mg. injection
25	(84) 07-27-89	Morphine	20 cc.
26	(85) 07-29-89	Morphine	20 cc.
27	(86) 09-04-89	Tylenol #4,	100 units

1 55. Respondent Syphus, M.D. is subject to disciplinary
2 action under Section 725 of the Code in that he committed
3 repeated acts of clearly excessive prescribing to patient Kennard
4 H. of the controlled substances set forth in paragraph 54, above.

5 56. Respondent Syphus, M.D. is subject to disciplinary
6 action under Section 2242, subdivision (a) of the Code in that he
7 prescribed to patient Kennard H. the dangerous drugs/controlled
8 substances as set forth in paragraph 54, above, without having
9 conducted or documented good faith medical examinations and/or
10 the medical indications therefor.

11 57. Respondent Syphus, M.D., is subject to
12 disciplinary action under Section 2238 of the Code in that he
13 violated Health and Safety Code Section 11153 by prescribing the
14 controlled substances to patient Kennard H. as set forth in
15 paragraph 54, without having a legitimate medical purpose
16 therefor.

17 58. Respondent Syphus, M.D. is subject to disciplinary
18 action under Section 2234, subdivision (b) of the Code in that he
19 committed gross negligence while treating patient Kennard H. The
20 circumstances are as follows:

21 A. The facts alleged in paragraph 54 above are
22 incorporated here by reference.

23 B. The controlled substances set forth in paragraph 54
24 were prescribed without respondent having conducted or
25 documented good faith examinations and/or medical
26 indications therefor.

27 C. There was little, if any, chart documentation of the

1 patient's history and condition at the times these
2 controlled substances were prescribed and often the
3 prescriptions were not noted in the patient's file.

4 D. The diagnostic reasons for prescribing these dangerous
5 drugs/controlled substances are unclear, the records fail to
6 note the indications and contraindications for these
7 controlled substances, often there was no reason or
8 diagnosis given for prescribing the drugs, there was
9 inadequate or no documentation, lab results, tests or other
10 information substantiating the diagnosis that were stated in
11 the record for some of the prescriptions.

12 E. The controlled substances set forth in paragraph 54
13 were prescribed in amounts, strengths and intervals that
14 exceed a legitimate medical purpose and which could cause or
15 perpetuate the patient's addiction to those drugs.

16 59. Respondent Syphus, M.D. is subject to disciplinary
17 action under Section 2234, subdivision (c) of the Code in that he
18 committed repeated acts of negligence while treating patient
19 Kennard H. The circumstances are as follows:

20 A. The facts alleged in paragraphs 54 and 58 above are
21 incorporated here by reference.

22 60. Respondent Syphus, M.D. is subject to disciplinary
23 action under Section 2234, subdivision (d) of the Code in that he
24 committed acts of incompetence while treating patient Kennard H.
25 The circumstances are as follows:

26 A. The facts alleged in paragraphs 54 and 58 above are
27 incorporated here by reference.

1 61. Respondent Syphus, M.D. is subject to disciplinary
2 action under Section 2234, subdivision (e) in that he committed
3 and attempted to commit several acts of dishonesty and corruption
4 in connection with his functions and duties as a physician and
5 surgeon while caring for patient Kennard H. The circumstances
6 are as follows:

7 A. The facts alleged in paragraphs 54 and 58 above are
8 incorporated here by reference.

9 B. When respondent billed for the services rendered to
10 patient Kennard H. in his office on April 30, 1987 he
11 falsely stated that he gave a "Trigger point" injection of
12 Marcaine, 6 cc for the patient's right back pain when he had
13 prescribed 20 cc of Morphine.

14 C. When respondent billed for the services rendered to
15 patient Kennard H. in his office on June 8, 1987 and June
16 16, 1987, he falsely stated that the injections of Dilaudid
17 2 mg and of Vistaril 75 mg were for "arthritis, hips,
18 severe," when the patient records and recent consultant
19 reports did not show such a diagnosis and when he also
20 failed to disclose that he was prescribing 20 cc's of
21 Morphine to this patient on a routine basis.

22 D. When respondent wrote the History and Physical
23 Examination report for patient Kennard H.'s admission to St.
24 Luke's Medical Center on September 23, 1987, he falsely
25 indicated that the present medications consisted of Reglan
26 and Tylenol #4, and failed to disclose that he also had been
27 routinely prescribing 20 cc's of Morphine for his patient

1 for the last few years.

2 E. When respondent wrote the History and Physical
3 Examination report for patient Kennard H.'s admission to St.
4 Luke's Medical Center on October 8, 1987, he did not
5 indicate any of the present medications of the patient and
6 again failed to disclose that he had been routinely
7 prescribing 20 cc's of Morphine for his patient for the last
8 few years.

9 F. When respondent wrote the History and Physical
10 Examination report for patient Kennard H.'s admission to St.
11 Luke's Medical Center on November 11, 1987, he falsely
12 indicated that the present medications of the patient were
13 "none" and again failed to disclose that he had been
14 routinely prescribing 20 cc's of Morphine for his patient
15 for the last few years.

16 G. When respondent billed for the services rendered to
17 patient Kennard H. in his office on August 15, 1988, he
18 falsely stated that he gave an injection of Bicillin for the
19 patient's acute bronchitis when he had prescribed 20 cc of
20 Morphine as well as 30 units of Amoxil and Actifed.

21 62. Respondent Syphus, M.D. is subject to disciplinary
22 action under Section 2261 in that he knowingly made and signed
23 documents directly and indirectly related to the practice of
24 medicine which falsely represented the existence or nonexistence
25 of a state of facts pertaining to the care and treatment of
26 patient Kennard H. The circumstances are as follows:

27 A. The facts alleged in paragraphs 54, 58 and 61 above are

1 incorporated here by reference.

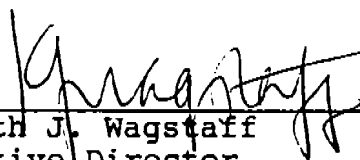
2
3 PRAYER

4 WHEREFORE, the complainant requests that a hearing be
5 held on the matters herein alleged, and that following said
6 hearing, the Board issue a decision:

7 1. Revoking or suspending Physician and Surgeon
8 Certificate Number A 19993, heretofore issued to respondent
9 Merrill T. Syphus M.D.;

10 2. Taking such other and further action as the Board
11 deems proper.

12 DATED: November 22, 1991.

13
14
15 
16 Kenneth J. Wagstaff
17 Executive Director
18 Medical Board of California
19 Department of Consumer Affairs
20 State of California

21 Complainant

22
23
24
25 c:\nas\syphus\syp-acc
26
27